

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

FITNESS RESOURCE ASSOCIATES, INC.)
v.)
Plaintiff,) Civil Action
AEROBICS AND FITNESS ASSOCIATION) No. 05-10003-RGS
OF AMERICA, INC.)
Defendant.)
)

**MOTION OF DEFENDANT, AEROBICS AND FITNESS ASSOCIATION OF
AMERICA, INC. TO TRANSFER VENUE**

The defendant, Aerobics and Fitness Association of America, Inc. (“AFAA”) moves pursuant to 28 U.S.C. § 1404(a) for a transfer of venue of this lawsuit from this Court to the United States District Court for the District of California (Central Division).

In support hereof, AFAA states that the matter is by agreement to be adjudicated under California law; that most of the documentary evidence and witnesses are located in California; and, that the plaintiff should not receive the benefit of its preferred forum after the parties negotiated their claims for over one year and defendant believed that the claims would be resolved. In further support hereof, AFAA submits an accompanying memorandum of law, along with the affidavit of Linda Pfeffer, President of AFAA.

AEROBICS AND FITNESS ASSOCIATION OF AMERICA, INC.

By its attorneys,

January 10, 2005

/s/ Edward V. Colbert III

Richard J. Grahn (BBO#206620)
Edward V. Colbert III (BBO #566187)
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Boston, MA 02110
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LOCAL RULE 7.1 CERTIFICATE

I, Edward V. Colbert III, hereby certify that I have on January 10, 2005 conferred with counsel for the plaintiff, in a good faith attempt to resolve or narrow this issue.

/s/
Edward V. Colbert III

CERTIFICATE OF SERVICE

I hereby certify that I have this 10th day of January 2005 served a copy of the foregoing pleading upon all parties hereto by mailing copies thereof, via first class mail, postage prepaid, properly addressed to:

Gregg S. Blackburn, Esq.
Casner & Edwards LLP
303 Congress Street
Boston, MA 02210

/s/
Edward V. Colbert III